IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

***

WRIT PETITION NO. 15457 of 2005

Between:

Sree Koya Narasimha Swamy S/o Venkata Krishnaiah
R/o Ibrahimpatnam Village & Mandla, Krishna District

..... PETITIONER

A N D

1) The District Level Committee, rep. by Chairman, Krishna District
2) The District Level Committee, rep. by Chairman, Guntur District
3) The District Panchayat Officer, Guntur District
4) R. Lakshmana Rao S/o Narasimha Rao. F-16, Keerthi Apartment,

Vijayawada, Krishna District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or Writ one in the nature of writ of Mandamus, declaring the action of the Respondents 2, 3 & 4 in interfering with sand quarrying operations of the petitioner in pursuant to the lease granted by the 1st respondnet for quarrying sand in Mullapadu Sand reach, Ibrahimpatnam Village & Mandal, Krishna District as arbitrary, illegal, unjust and violative of principles of natural justice and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.N.SHOBA

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.
Counsel for the Respondent No.4: None appeared.

The Court made the following at the admission stage**:** (Order follows 2nd page)

O R D E R

This writ petition is filed seeking to declare the action of the respondents 2, 3 and 4 in interfering with sand quarrying operations of the petitioner in pursuant to the lease granted by the first respondent for quarrying sand in Mullapadu sand reach, Ibrahimpatnam village and Mandal, Krishna district, as arbitrary, illegal, unjust and violative of the principles of natural justice.

The case of the petitioner is that he is a sand contractor. Pursuant to the notification issued by the first respondent, he participated in the auction held on 12-1-2005 for Moolapadu reach, Ibrahimpatnam Mandal. The reach was notified for Rs.28,00,000-00 and he became the highest bidder for Rs.61,99,999-00. The petitioner had deposited the entire amounts and entered into lease agreement with the state on 03-2-2005 for one year i.e., till 02-2-2006.

The petitioner submits that the other side of the river in Guntur district, the first respondent notified its quarries for auction earmarking the ramps, wherein the fourth respondent is the auction purchaser of reach no.11, Tulluru Mandal limits right flood bank of Krishna river. He is granted work permit for quarrying sand for the period from 06-5-2005 to 05-5-2006. The boundaries marked for Tulluru Mandal is the river

course and the notified ramp is at Kms 5.00, 8.200, 12.400 and 16.200 and neither he can open a new ramp or a pathway. The condition as per his work order states that he must operate the sand quarry within the boundary and the boundary is river course.

While things stood thus, the fourth respondent is interfering with the sand quarry operations of his area crossing his boundary of river course. The petitioner is not able to enter either into neither his boundary of river course nor his area of operations. If his quarrying operations are interrupted he will suffer loss and hardship, as he had invested Rs.61,99,999/-. The area of the operations of the fourth respondent falls in Guntur district and there cannot be any interference with his quarrying operations. Therefore, he represented to the authorities on 21-6-2005 and 01-7-2005 to take action against interference, unfortunately till date no action has been taken. The first respondent is bound to take action against such interruptions and safeguard the interest of the petitioner, who is granted lease sand quarrying, which cannot be stopped within the area of operation. Therefore, he filed the present writ petition to direct the respondents not to interfere with sand quarrying and transportation by him in Mullapadu reach, Ibrahimpatnam village and Mandal of Krishna district.

After hearing the learned counsel for the petitioner, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the first respondent to initiate swift action in pursuance to the representation of the petitioner dated 21-6-2005 and 01-7-2005 respectively and pass appropriate orders on merits and in accordance with law within two weeks from

the date of receipt of a copy of the order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 18th, 2005. ----------

ISL. ELIPE DHARMA RAO,J.

To

1) The District Level Committee, rep. by Chairman, Krishna District
2) The District Level Committee, rep. by Chairman, Guntur District
3) The District Panchayat Officer, Guntur District
4) Two CCs to the Govt.Pleader for Panchayat Raj & Rural Development, High Court Buildings, High Court of AP Hyderabad.

(OUT).

5) One CC to Mrs.N.Shoba (1383), Counsel for the Petitioner.

6) TWO CD copies.